

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DWIGHT EDWARDS,

Defendant-Appellant.

UNPUBLISHED

January 24, 2003

No. 235901

Wayne Circuit Court

LC No. 98-000750-01

Before: Cooper, P.J., and Bandstra and Talbot, JJ.

MEMORANDUM.

Defendant Dwight Edwards (a/k/a Gardner Dozier) appeals as of right his bench trial conviction for possession of less than twenty-five grams of a controlled substance (cocaine), MCL 333.7403(2)(a)(v). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant first argues that the trial court made insufficient findings of fact and conclusions of law and thus maintains that his conviction must be reversed. See MCR 6.403. We disagree. Factual findings are sufficient if it appears that the trial court was aware of the issues in the case and correctly applied the law. *People v Legg*, 197 Mich App 131, 134; 494 NW2d 797 (1992); *People v Armstrong*, 175 Mich App 181, 185; 437 NW2d 343 (1989). The trial court need not make specific findings of fact about each element of the crime. *Legg, supra*; *People v Wardlaw*, 190 Mich App 318, 320-321; 475 NW2d 387 (1991).

In the instant case, the trial court's factual findings were adequate, albeit short. It is evident from the court's discussion of the evidence presented that it believed the testimony of two police officers who claimed that they observed defendant discard a plastic baggie containing cocaine but did not find credible another officer's earlier observation that defendant appeared to be selling drugs to an unidentified individual.

Contrary to defendant's assertion, these findings are not mutually incompatible or wholly inconsistent given the superior vantage point of the officers who saw defendant discard the cocaine. The other officer admitted that it was dark outside and that he did not see what defendant passed to the "buyer". This could reasonably lead the court to find that the third officer was mistaken in his observation. Although the trial court's explanation was somewhat terse, defendant is not entitled to relief because it is clear the trial court was aware of the factual

issues and resolved them and that “further explication would not facilitate appellate review”. *Legg, supra*, 197 Mich App 135.

Defendant next argues that the police officer’s testimony was inherently incredible and thus that the prosecution failed to present sufficient evidence to support defendant’s conviction. The trial court “may choose to believe or disbelieve any witness or any evidence presented in reaching a verdict.” *People v Cummings*, 139 Mich App 286, 294; 362 NW2d 252 (1984). We will defer to the trial court’s resolution of factual issues, especially where it involves the questions of witness credibility. *People v Cartwright*, 454 Mich 550, 555; 563 NW2d 208 (1997). Viewed in a light most favorable to the prosecution, the testimony of officers who stated that they saw defendant attempt to discard a baggie containing cocaine as the police initiated the raid of the house was sufficient to show possession and support defendant’s conviction. *People v Hellenthal*, 186 Mich App 484, 486; 465 NW2d 329 (1990).

Affirmed.

/s/ Jessica R. Cooper
/s/ Richard A. Bandstra
/s/ Michael J. Talbot